

3:19cv723

E.D.Pa. AO Pro Se 14 (Rev. 04/18) Complaint for Violation of Civil Rights

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Shareef Clemons

All other names by which
you have been known:

ID Number

JQ9206

Current Institution

SCI-Mahanoy

Address

301 Morea Road

FRACKVILLE

PA

17932

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

RUSSELL MILLER

Job or Title (*if known*)

Physician's Assistant

Shield Number

Employer

Address

John STEINHART

301 Morea Road

FRACKVILLE

PA

17932

City

State

Zip Code



Individual capacity



Official capacity

Defendant No. 2

Name

Job or Title (*if known*)

Shield Number

Employer

Address

City

State

Zip Code



Individual capacity



Official capacity

E.D.Pa. AO Pro Se 14 (Rev. 04/18) Complaint for Violation of Civil Rights

Defendant No. 3

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐ Individual capacity☐ Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐ Individual capacity☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

MY 8th Amendment Right was Violated

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

II.D

Basis for Jurisdiction

2. D. on october 15, 2018, Mr. Miller, who is a Physician's Assistant that works for a state Correctional facility violated my 8th amendment right. On October 15, 2018, Mr. Miller was removing 4 stiches that were attached to my face but they were located directly below my left eye. While Mr. Miller was attempting to remove the stiches, I was screaming because I was in serious pain. I felt my flesh tearing and I felt that a nerve under my eye was being aggravated. I was screaming loud and clearly. Mr. Miller completely ignored my screaming and paid it no attention. Mr. Miller continued to do what he was doing even though I was screaming the whole time, very loud because I was in serious pain. Mr. Miller also complained that the scissors that he had to use were too big. Each time that Mr. Miller would complain about the scissors, he would pull on the stiches even harder. I was screaming out loud the whole time. I was in serious pain. Mr. Miller completely ignored my screaming, even though I was in serious pain. It took Mr. Miller approximately 10 minutes to remove the stiches from below my eye. I was screaming during the entire 10 minutes because what Mr. Miller was doing was causing me extreme pain. Mr. Miller never addressed my screaming or abated what he was doing, even though I was screaming the whole time. I was in extremely serious pain.

Mr. Miller was deliberately indifferent to my serious medical need. i was in excruciatingly serious pain during the occurrence of the incident. the pain was so extremely serious that the only thing that I could do was scream. I could not make out any words because the pain was so unbearable. so I screamed, and I screamed during the entire duration of it. Mr. Miller never stopped or abated what he was doing. Mr. Miller never addresses my screaming or acknowledged it during the whole 10 minutes of me screaming in agony. I was in serious pain.

I was in serious medical need because the pain that Mr. Miller was causing me was severely serious and I needed it to stop. I screamed in pain very loudly and continuously for very long periods of time and completely through out the entire 10 minute ordeal. Mr. Miller completely ignored my screaming and therefore ignored my serious medical need to be relieved of the seriously severe pain. The Supreme Court has stated that deliberate Indifference to a serious medical need constitutes a violation of an 8th amendment right. Mr. Miller was deliberately indifferent to my serious medical need to be relieved of the pain that he was causing, therefore Mr. Miller violated my Eighth Amendment Right.

E.D.Pa. AO Pro Se 14 (Rev. 04/18) Complaint for Violation of Civil Rights

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

The events giving rise to my claim occurred at SCI-Mahanoy, inside a medical room, on October 15, 2018

LV. D

Statement of claim

D. What are that facts underlining my claims? What happen? Who seen it.

On October 10, 2018 I sustained an injury due to a sports accident that occurred inside SCI-Mahanoy recreational yard. The injury that I sustained was a gaping laceration under my left eye. I immediately sought medical attention at SCI-Mahanoy medical department. While at Mahanoy's medical department I was examined by (~~Assistant Physician~~) Mr. Miller. Mr. Miller determined that I needed stitches. I little while later Mr. Miller administered (4) stitches and closed the wound. Mr. Miller then scheduled me to have the stitches removed on October 15, 2018 which was five days away.

On October 15, 2018 I went to medical as scheduled. I waited in the waiting room until my name was called. When my name was called I was told to wait in the hallway for Mr. Miller. While waiting in the hallway I seen Mr. Miller coming out of his room and walking over to the front of another room. There, I seen Mr. Miller receiving a medical kit from someone that was in that room. There were two people in that room, and one of them was (Nurses Assistant- Ms. Liz Holden.) After that, Mr. Miller and I went into his medical office. I sat on the medical bed as Mr. Miller was getting prepared for the task. Mr. Miller put on a pair of gloves and he then opened the medical kit. Mr. Miller began to remove the contents out of the kit when he picked up a pair of scissors. Mr. Miller held the scissors in his hand, looked at them, and then said "these scissors are too big." Mr. Miller stared at the scissors for a little while and then he told me to lay down. Mr. Miller then began trying to remove the stiches. Mr. Miller had the scissors in his right hand and a pair of tweezers in his left hand. Mr. Miller used the tweezers to grab on to one of the stitches, as he brought the scissors nearer with his other hand. Mr. Miller tried to cut the stitch but to no avail. Mr. Miller then said "these scissors are too big." Mr. Miller then pulled on the stitch with extreme force while trying to fit the scissors underneath the stitch. I than let out a loud and continuous scream because I was in severe pain, but Mr. Miller just continued and completely ignored my screaming. Mr. Miller continued to pull harder and harder until he was able to finally fit the scissors underneath the stich. While this was going on, I was in extremely severe pain. I felt my flesh being tore as Mr. Miller continued to pull. It took around 2 and a half minutes for Mr. Miller to remove the stitch. I was screaming the whole time but Mr. Miller never did stop. Mr. Miller then quickly moved to the next stich. Mr. Miller attempted to cut the next stitch with the scissors but to no avail. Then Mr. Miller again said "these scissors are too big." Mr. Miller pulled on the stich with extreme force while trying to fit

the scissors underneath the stitch. I screamed loudly and continuously because the pain was so severe. I felt my flesh being tore by Mr. Miller. Mr. Miller just continued and never stopped even though I was in horrible pain and screaming. That stitch also took around 2 and a half minutes to remove. I was screaming the whole time. When Mr. Miller was finally finished with the second stitch he quickly move to the third stitch. Mr. Miller attempted to cut the third stitch and was unsuccessful until he again frustratingly said "these scissors are too big." Mr. Miller then pulled on the stitch with extraordinary force while trying to fit the scissor underneath the stitch. Mr. Miller continued to pull and pull and I continued to scream and scream, but Mr. Miller never stopped. When Mr. Miller finally cut the third stitch, he then moved to the forth stitch. I was in severe pain and I felt like I was going into shock. While removing the forth stitch Mr. Miller pulled with extreme force. I screamed during the whole duration but Mr. Miller ignored me. I was in extreme pain. It took Mr. Miller approximately 10 minutes to remove all four stiches. I was screaming during the whole duration of the ordeal but Mr. Miller never stopped nor abated what he was doing. When Mr. Miller cut the forth stitch, he reacted in a panic. Mr. Miller rushed to get a cloth and then rushed back towards me. Mr. Miller then held the cloth underneath my eye, and then removed it. When Mr. Miller removed the cloth there was a mass amount of blood on the cloth. Mr. Miller then put a blob of ointment over my bleeding wound. I was in so much pain and I felt like I was in some type of shock. I could tell by the look on Mr. Millers face that something was wrong. I then asked Mr. Miller "what did you do to me?" Mr. Miller than responded by saying "I got them out." I then asked Mr. Miller "why am I bleeding?" Mr. Miller then replied by saying "it's nothing." Mr. Miller then gave me a few packets of anti-bacterial ointment and a few band aids. I then was sent back to my cell-block by Mr. Miller. On my way walking back to my cell I felt like I was in shock. I could not believe what just took place. I rushed back to my cell to look in the mirror. When I looked in the mirror, I looked at the wound and seen that it was open. (Mr. Miller tore it open.) There was also a small cut over top of the open wound. (I later found out that the small cut was actually an exit wound from the stitch being removed. It was removed so forcefully that it left a small gash.) I immediately went to the block officer C.O Brown and asked her can I go back to the medical department. C.O Brown then called down to medical department and asked could I be seen. C.O. Brown then told me that the officer at the medical department said "no", because you were just seen by medical." I then called my mother on the phone and told her what happen. I also told her that I was being denied medical attention. After I spoke to my mom I asked the C.O could I speak to the counselor. I then spoke to the counselor and told him what happen. About 2 hours later I was called back up to be seen by medical. I then walked to the medical department. When I got there, I was told to go inside of a room and wait. I waited in the room for a second until shortly, a woman wearing a black business suite came marching in the room. Then 3 other woman came rushing in behind her like they didn't want to miss anything. The lady that was wearing the black business suit was Ms. Kim Minarchick. The other 3 ladies were Nurses assistants. One of them was (Ms. Liz Holden) the witness. Ms. Minarchick had a very

angry look on her face. Ms. Minarchick then angrily asked "what do you want?" I. I then pointed to my open and bleeding wound. Ms. Minarchick then said "I don't see nothing wrong with that." I was taken aback. I then responded by saying "my wound is open because Mr. Miller tore it open and it keeps bleeding. There is also a small cut over the top of the wound." Ms. Minarchick then said "that cut probably is an exit-wound from one of the stitches coming out." I then explained to Ms. Minarchick that Mr. Miller was complaining that the scissors were too big while working on me. I explained to Ms. Minarchick that Mr. Miller forced the scissors to cut by using a hurtful and harmful method on me. I explained to Ms. Minarchick that I was screaming the whole time because the pain was unbearable but Mr. Miller ignored my screaming and just continued hurting me. I then told her that I was still in pain. Suddenly after I was done speaking, the Nurses Assistant- Ms. Liz Holden then said "when I walked pass the room that you and Mr. Miller were in, I heard Mr. Miller say that the scissors were too big." I then verbally agreed with Ms. Holden and I also told Ms. Minarchick that Mr. Miller caused horrible damage to my face. Ms. Minarchick then said "well like I said, I don't see nothing wrong with that." Then Ms. Minarchick marched out the room. I stood there and continued to speak with the three assistants about the open wound. They gave me advice on how to keep it sanitized. They then gently escorted me towards the door as they explained to me how to tend to the wound. Before I could blink, I was put out the door and out of the medical department. I then went back to my cell. My wound was still open and I was still in terrible pain.

V. Injuries

1. I was in extreme and serious pain during the mistreatment. The mistreatment lasted for approximately ten minutes. The pain that I was in was torturous and unbearable. I felt the flesh under my eye being tore and I felt like the nerves under my eye was being damaged.
2. Mr. Miller created a new wound by tearing open the old wound. When Mr. Miller pulled on the stiches with great force while trying to fit the scissors underneath them, his forcefulness caused the tearing open of my old wound that at that time was completely closed until he tore it open.

Also, my whole left eye region turned completely black a few hours after the mistreatment. My eye is still perpetually black today and it is showing very little sign of improvement.

3. I was still experiencing devastating pain for months after the incident. On October 15, 2018 after the mistreatment, I was allowed to go back to the medical department and explain what happen to me. I also told the SCI- Mahanoy medical staff that I was still in pain from the mistreatment. I was not given any help by the medical staff but instead I was assessed by a lady named Ms. Minarchick. Ms. Minarchick behaved completely like a defense lawyer, and not like someone that was there to help me. Ms. Minarchick was very intimidating. I then was sent back to my cell. The pain continued. On November 21, 2018 I sought further medical attention because the pain from the mistreatment was bothering me and the mistreated injury also was not healing properly. I asked for some pain medication. I was denied any medication. Then on November 23, 2018 I sought medical attention again. I asked for some pain medication. I was denied any medication. On November 29, 2018 I sought medical attention again. I asked for some pain medication for my pain. I was denied pain medication. Then on

January 8, 2019 I sought medical attention again. I asked to see a physician because I was not getting any help by the prison medical staff for my improperly healing injury and my pain. I was told "no" I could not seeing a physician. But I was finally ordered some pain medication and some cream for the improperly healing wound.

4. The egregious mistreatment caused me perpetual psychological problems. On January 21, 2019 I spoke with a psychological doctor at SCI- Mahanoy and explained to her that I was having nightmares about the mistreatment by Mr. Miller. I explained that I was afraid to go to sleep because of the nightmares. I explained that I have not been sleeping that much or eating my food for the last few months. I also explained to the doctor that I am very sad because my face has permanently been distorted because of the mistreatment by Mr. Miller. Then on March 2, 2019 I spoke with another psychological doctor and explained my same sentiments. I also explained that I lost a lot of weight from the stress. I am very sad because the area of my face that was mistreated looks so egregiously terrible that it has made me permanently unhandsome and I now have low self-esteem.
5. The effects of egregious mistreatment caused me great mental distress. The only thing that has been on my mind since the mistreatment is seeking justice for the egregious mistreatment. I have not been able to concentrate on any other part of life or do any other activity because the fear of knowing that there is a possibility that justice might not be served. The possibility that justice may not be served upon Mr. Miller is a devastating fear that is causing me great stress. Also, knowing that the damage that was done to my face by Mr. Miller is permanent, is devastatingly stressful.



This Picture was taken 51 days after the Stitches were removed. The day was December 2018 at SCI- Mahanov. If You observe the Picture, You Can Clearly See that my wound was not healing Properly. Especially after 51 days. This is because MR. Miller Partially ripped the wound open during his forcefull Pulling on the Stitches. After MR. Miller Partially tore the wound back open, he just left it, thus resulting in an egregious looking Scar that Could have Certainly been avoided. While looking at the Picture You will also See that my left eye area is black. I have a black eye. This black eye is completely due to MR. Millers forcefull Pulling on the Stitches. Today on April 20, 2019 my eye is still black because of MR. Millers Violating actions. MR. Miller is directly responsible for the egregiousness of the appearance of my mistreated Injury. MR. Miller is directly responsible for my subsequent Pain and Suffering Caused by his violation of my 8th amendment Right.

RELIEF

I am asking for the court to make Mr. Miller pay for the actual damaging caused by Mr. Miller's violating actions. The area on My face that shows the physical effects of Mr. Miller;s deliberate mis-handling of my medical situation is so conspicuously bad that it will **certainly require plastic surgery**. plastic surgery is very expensive but because of the egregiousness of the physical appearence , I am force to have to get it. I am asking the court to make Mr. Miller also pay **punitive damages**. The egregiousness of his actions and the pain and suffering that it has caused me mentaly and physicaly, I will never be the same again. I am psycologically and physicaly **scarred** for life. I am asking the court to make Mr. Miller pay a total of \$ 565, 000.00 dollars on the basis that the pain that I had to endure while my right was being violated was so severe that it warrents a large compensation. Along with the subsequent physical and psycological damage that will require further treatment.

I pray to the lord that justice will prevail.

E.D.Pa. AO Pro Se 14 (Rev. 04/18) Complaint for Violation of Civil Rights

- C. What date and approximate time did the events giving rise to your claim(s) occur?

The events giving rise to my claim occurred on October 15, 2018
at approximately 9:30 A.M.

10/15/18 at 9:30 A.M.

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

~~I would like the Court to make MR. MILLER pay for the damages that~~
~~he has done to me.~~ I also like the Court to ~~make~~ Make MR. Miller Pay
Punitive damages.

E.D.Pa. AO Pro Se 14 (Rev. 04/18) Complaint for Violation of Civil Rights

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

The Events occurred at SCI-Mahanoy

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☒ Do not know

If yes, which claim(s)?

E.D. Pa. AO Pro Se 14 (Rev. 04/18) Complaint for Violation of Civil Rights

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

SCI-MahanoY.

I filed the grievance at

2. What did you claim in your grievance? On my Grievance I Claimed that MR. Miller Continued to Complain that the Scissors that he was using were too big. I Claimed that MR. Miller was hurting me. I Claimed that I was Screaming in Pain but MR. Miller Continued to hurt me. I Claimed that MR. Miller Re-opened my wound. I asked for money.

3. What was the result, if any? My grievance was denied.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I wrote a grievance appeal to the ~~Super~~ Superintendent. I also wrote an appeal to the final Review. I took all steps that were possible to take.

DC-804
Part 1COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

FOR OFFICIAL USE

768391
GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

| | | |
|--|---|----------------|
| TO: FACILITY GRIEVANCE COORDINATOR | FACILITY: Mahanoy | DATE: 10/26/18 |
| FROM: (INMATE NAME & NUMBER) Shareef Clemons 109206 | SIGNATURE OF INMATE: <i>Shareef Clemons</i> | |
| WORK ASSIGNMENT: | HOUSING ASSIGNMENT: 1A 2039 | |

INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any action you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages (one DC-804 form and one one-sided 8 1/2" x 11" page). State all relief that you are seeking.

On 10/10/18 at 4:00pm inside the State Prison, at Mahanoy Correctional Facility. The Medical Department, Medical room, I was operated on by one of the Medical staff member Mr. Miller. I was injured in a sporting accident, and I received four stitches approximately an inch under my left eye, by Mr. Miller. After the operation I was scheduled to get the stitches removed on 10/15/18. On this date 10/15/18 at 9:20am, inside S.C.I. Mahanoy's Medical room. I was laying on a medical bed, Mr. Miller had just received a medical kit, from another Medical staff member. Mr. Miller then removed the contents from the kit, then Mr. Miller said "These scissors are too big." Mr. Miller then started to operate on the stitches directly under my left eye. Mr. Miller pulled and yanked on the stitches with tweezers while trying to cut them with the scissors. Then again Mr. Miller said "These Scissors are too big." Mr. Miller never asked any other staff for help or for directions to another kit. Which violates Department's Policy, when dealing with inmates under Medical care. Mr. Miller did not even ask staff member, Ms. Liz Holden for help. Ms. Liz Holden was the very close by, where I was in the area. I screamed in pain but Mr. Miller Continued to pull extremely hard. I was in excruciating pain. I felt sharp pains as if my skin was being tore from my face. When Mr. Miller, was finished I was bleeding hard in pain. Mr. Miller, wiped the blood off and then put a glob of ointment over the bleeding area. I asked Mr. Miller, what did he do? Mr. Miller, said over "I got them out." I then asked Mr. Miller, why am I bleeding? Mr. Miller, said "Its nothing." I then left the medical building and went back to my cell. When I

Part
①

B. List actions taken and staff you have contacted, before submitting this grievance.

I spoke to Mr. Peck, the Unit Counselor, C.O. Brown, and Medical staff, Ms. Liz Holden.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

Date

WHITE Facility Grievance Coordinator Copy
GOLDEN ROD Inmate Copy

CANARY File Copy

PINK Action Return Copy

RECEIVED

NOV 01 2018

DC-ADM 804, Inmate Grievance System Procedures Manual
Section 1 – Grievances & Initial Review

Issued: 4/27/2015
Effective: 5/1/2015

SCI-Mahanoy
Health Care Administrator
Attachment 1-A

looked in the mirror, I seen that I had a small cut on my face that had nothing to do with my initial injury. Also! the initial injury that I received from the sporting accident was partially torn back open. I immediately went to the block officer C.O. Brown and requested to go back to medical. Two hours later, around 11:30am I went back to Medical. While I was at medical I spoke with a group of staff members, four of them. One of these staff members, was Ms. Liz Holden. I told the Medical staff members that I spoke to Ms. Liz Holden. I told the medical staff members that Mr. Miller, used improper equipment on me and caused further damage to my face. Then the medical staff members, that Ms. Lis Holden, walked passed, the room that Medical staff member, Mr. Miller, and I were. Ms. Lis Holden, over heard Mr. Miller, stating that the scissors, were to big. I then was told to continue to put antibacterial ointment on the cut. I explained to the medical staff that I was still in pain. But the Medical staff insisted that the pain will eventually stop. I then left the medical department, building still in pain. This incident is violation on Title 37. PA Codes §§ under the Health Care act for All State facilities. Deliberate indifference, for failure to provide proper medical care. This would be in accordance with a violation of the Eighth Amendment protection, which is a Commonwealth Constitutional right, along with United States Constitutional rights. Such Medical neglect in injury shouldn't be passed for further review, by the Federal Courts. However! I would like to be compensated for the injury I received by S.C.I. Mahanoy Medical Staff Mr. Miller. In the amount of \$230,000. I believe that I may half to have plastic surgery, to repair some nerve damage in my face, because I still feel pain. This could have been prevented, if Mr. Miller, didn't use improper medical equipment, causing further injury to my face, but also re-opening the previous cut, under my left eye. I am still in pain. I am seeking financial compensation of \$230,000.

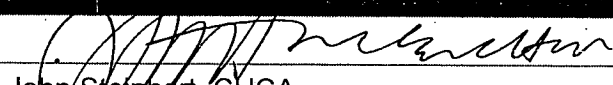
(8/5/11) Part 2.

39

INITIAL REVIEW RESPONSE

SCI-Mahanoy
301 Morea Road
Frackville, PA 17932

This serves to acknowledge receipt of your grievance to the assigned Grievance Officer. The response is as follows

| | | | |
|--|---|------------------------|----------|
| Inmate Name: | Clemons, Shareef | Inmate Number: | JQ-9206 |
| Facility: | Mahanoy | Unit Location: | IA |
| Grievance #: | 768391 | Grievance Date: | 10/25/18 |
| Publication (if applicable): | | | |
| | | | |
| Decision: | <input type="checkbox"/> Uphold Inmate <input checked="" type="checkbox"/> Grievance Denied <input type="checkbox"/> Uphold in part/Denied in part | | |
| <i>It is the decision of this grievance officer to uphold, deny or uphold in part/deny in part the inmate's initial grievance. This response will include a brief rationale, summarize the conclusion, any action taken to resolve the issue(s) raised in the grievance and, relief sought.</i> | | | |
| Response: | Frivolous | | |
| <p>This is in response to grievance #768391. According to documentation on your record, Mr Miller removed all 4 stitches without complications. The suture removal kits are standard size and we have no control over that. The morning after the sutures were removed you were called back up to medical to be assessed after you complained of problems on the block and to your family, that assessment is documented as a healing laceration, no complications after suture removal and no additional injury. Since that time you have not been seen by medical for any issues, which indicated to me that there are no problems since that injury over a month ago. When sutures are removed there may be some discomfort. Grievances do not deal with monetary requests. I find no merit in this grievance and it is denied. /jh</p> | | | |
| Signature: |  | | |
| Title: | John Steinhart, CHCA | | |
| Date: | November 20, 2018 | | |

cc: Facility Grievance Coordinator
 DC-Inmate Records
 DC-Unit Manager
 CCS
 File

DATE: 11/28/18

SCI

GRIEVANCE # 768391

Using UNIT-IA-39

INMATE APPEAL TO FACILITY MANAGER

INMATE # JQ9206

NAME: SHAREEF CLEMONS

received my initial response from the
grievance office/Coordinator ON 11/28/18
have the following
real issues

GRIEVANCE

On October 10, 2018, while seeking medical attention at S.C.I. Mahanoy's medical department, I was operated on by a medical staff member, who goes by the name of Mr. Miller. On this day I received four (4) stitches approximately an inch below my left eye by Mr. Miller. After the operation, I was scheduled to have the stitches removed on 10/15/18. On this date, 10/15/18, while laying on the bed in the prison's medical department, Mr. Miller was preparing to remove my stitches. Mr. Miller had just received a medical kit from another medical staff member. While removing the contents from the medical kit, Mr. Miller stated, "These scissors are too big". Mr. Miller never asked any of the other staff members for assistance, or acquired about obtaining an alternative medical kit. After stating "These scissors are too big", Mr. Miller continued on using those same scissors! This type of medical negligence violates the department's policy when dealing with inmates who are under the supervision, and care of the PA. Department of Corrections staff. Mr. Miller chose to not ask staff member (Ms. Liz Holden) for assistance even though she was in close proximity of Mr. ~~MILIC~~ and I. I screamed in pain as Mr. Miller continued to pull extremely hard on my stitches while trying to cut them. Mr. Miller never stopped! Mr. Miller continued to complain that the scissors were too big during almost every attempt he made at cutting each of the four stitches. While this was going on, I was in excruciating, and overbearing pain. It felt like flesh was being torn from my face. When Mr. Miller finally finished, I was bleeding and in pain. Mr. Miller rushed to wipe the blood off my face, and then covered the area with a glob of ointment. I asked Mr. Miller "What did you do to me?" he responded by saying, "I got them out". I asked him, "Why am I bleeding?" he said, "It's nothing". I then left the medical building and went to my cell. When I looked in the mirror I noticed a small cut on my face, this cut has no relation to my initial injury! Also, the initial injury that I received from the sporting accident was partially torn back open. I immediately went to the block officer (c/o Brown) and requested a return visit to the medical department. While in the medical department

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SCI MAHANOY
SUPERINTENDENT'S OFFICE

I spoke with a group of four staff members. One of the four staff members was Ms. Liz Holden. I told the medical staff members that Mr. Miller used improper medical equipment, and caused further damage to my face. Ms. Holden then stated, "When I walked pass the room that you and Mr. Miller was in, I heard Mr. Miller say the scissors were too big". I then told the medical staff members that what Ms. Holden heard was correct, and that Mr. Miller used improper medical equipment on me. I also explained to the medical staff that I was still in pain. The medical staff instructed me to continue to put antibacterial ointment on the partially open injury and small cut. With the pain still lingering, I was sent back to my cell.

This incident is in violation of Title 37, PA. Codes §§ under the Health Care Act for all state facilities. Deliberate indifference, for failure to provide proper medical care. This would be in accordance with a violation of the Eighth Amendment which is a Commonwealth Constitutional right as well as an United States Constitutional right. The above mentioned medical negligence should not be denied further review by the Federal Courts.

I seek compensation for the damaging medical treatment I received at S.C.I. Mahanoy, while under Mr. Miller's and the prison's medical care. I seek monetary compensation in the amount of two hundred and thirty thousand dollars (\$230,000). It's my belief that I may be in need of surgery to repair a damaged nerve because the pain in my face still exist. There's also a facial scar that can use the attention of a plastic surgeon. This matter could have been prevented with the proper use, of the proper medical equipment, in the hands of competent medical staff!

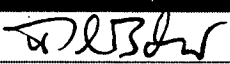
I, Shareef Clemons, duly swear, to the best of my knowledge, and belief, that all aforementioned facts, that are contained in this document, is true and correct.

On the initial response to my grievance, The person who wrote the response said that I have not been seen by medical for any additional problems. That statement is untrue. I have been seen by medical (3) times after the incident before I received the response to my grievance. The records will show that before I ever received a response to my grievance, I have been to medical (3) more times including today because I am still in pain and my injury is not healing properly.

Facility Manager's Appeal Response (MAHANAY)

(301 MOREA ROAD, FRACKVILLE, PA 17932)

This serves to acknowledge receipt of your grievance appeal to the Facility Manager for the grievance noted below. In accordance with the provisions of DC-ADM 804, "Inmate Grievance System Policy", the following response is being provided based on a review of the entire record of this grievance. The review included your initial grievance, the Grievance Officer's response, your appeal to me and any other documents submitted.

| | |
|--|--|
| Inmate Name: Shareef Clemons | Inmate Number: JQ-9206 |
| Facility: SCI Mahanoy | Unit Location: 1A-2039 |
| Grievance #: 768391 | |
| Publication (if applicable): | |
| | |
| Decision: | <input checked="" type="checkbox"/> Uphold Response (UR) <input type="checkbox"/> Uphold Inmate (UI) <input type="checkbox"/> Dismiss/Dismiss Untimely <input type="checkbox"/> Uphold in part/Deny in part |
| <i>It is the decision of this Facility Manager to uphold the initial response, uphold the inmate or dismiss. This response will include a brief rationale, summarizing the conclusion, any action taken to resolve the issue(s) raised in the grievance and your appeal and relief sought.</i> | |
| Response: | <i>Frivolous</i> |
| <p>I am in receipt of your appeal in which you are claiming that you received improper treatment by the medical staff when sutures were removed on 10/15/18. You received the sutures due to a basketball injury on 10/10/18. You are requesting the sum of \$230,000.00 in restitution.</p> <p>I have read the original grievance to include the response provided by CHCA Steinhart. I have also found the response to be appropriate. You were seen by medical on 11/21/18 and showed signs of improvement to the injury you sustained on 10/10/18. You were evaluated again on 11/23/18 and an x-ray was ordered due to your complaints of facial pain. On 11/28/18, an x-ray was completed and reviewed which indicated negative results (nothing was wrong). On 11/29/18, you were examined again and the results of the x-ray was explained to you which indicated improvement to your sports injury. There was no additional injury sustained due to the removal of the sutures and the equipment that was used for the removal of the sutures is standard equipment. Your request for \$230,000.00 in restitution is denied.</p> <p>Based on this information, I am upholding the decision of the grievance officer and deny your appeal.</p> | |
| | |
| Signature: |  |
| Title: | Facility Manager |
| Date: | 11/30/18 |

cc: Facility Grievance Coordinator
DC-15
file

**DC-ADM 804, Inmate Grievance System Procedures Manual
Section 2 – Appeals**

Issued: 12/1/2010
Effective: 12/8/2010

Attachment 2-B

Shareef Clemons
SCI-Mahanoy
301 Morea rd.
Frackville, Pa 17932

December 9, 2019

Dear Ms. Verner,

I'm writing to you in accordance with DC-ADM 804 INMATE GRIEVANCE SYSTEM, appealing the above identified grievance number to final review.

I received my first level appeal response from the superintendent on 12-3-18 and in addition to those issues previously raised in my grievance and first level appeal I submit the following.

1. I have an issue with SCI-Mahanoy lying in their documentation in my medical records. SCI-Mahanoy responded to my grievance stating that their documentation states that Mr. Miller removed all four stitches without complications. That is not the truth, nor what should have been documented. I have a problem with SCI-Mahanoy not documenting what was said by the nurse Ms. Liz Holden. On 10-15-18 Ms. Holden reported to medical staff that when she walked pass the room where my procedure was being conducted she heard Mr. Miller saying that the "scissors were too big". Why was Ms. Holdens statement not documented?

2. Ms. Liz Holden is a witness to the incident to the complaint I've raised which was pointed out in my initial grievance and first level appeal for which there has been no denial by SCI-Mahanoy officials! This is a clear indication of guilt. This is also an indication that SCI-Mahanoy's notations in my medical records have been compromised and can't be relied on.

3. I also have an issue with Mr. Steinharts initial review response when he said, "the suture removal kit is standard size, we have no control over that". I have an issue with that statement because the area in which the procedure was being performed was below my eye which required greater precision than say removing stitches from my knee. Therefore, scissors that are small were required for such a procedure. Mr. Miller said that the scissors were too big, not I. Mr. Miller had the control to either use them or not. Rather, Mr. Miller chose scissors that were too big for the procedure he was conducting after he said they were too big. What this means is that Mr. Miller deliberately used equipment that in his medical opinion was improper for the procedure he was conducting.

4. I was screaming in clear pain and distress but Mr. Miller never stopped or inquired if I was okay or anything but kept repeatedly stating that the scissors were too big. I was in excruciating pain and scared for my well being. Saying that the kit was standardized, in essence says that he was working with what he had at the time but not what was required and does not excuse using tools that were not for the delicate procedure that was conducted.

5. I also have an issue with the facility manager's first level appeal response in which she states that an "xray was ordered and it showed that nothing was wrong". Xrays are not designed to detect nerve or soft tissue damage. I never had any claims of bone damage. This is nothing but an attempt by SCI-Mahanoy officials trying to change the narrative into something different than I

Shareef Clemons

Grievance # 768391

February 29, 2019

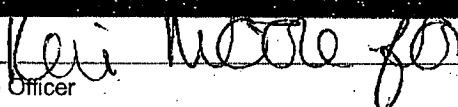
I have been waiting for a response back from the Chief, Secretary Office of Grievances, for (43) Forty three business days now. The PENNSYLVANIA DEPARTMENT OF CORRECTIONS inmate hand book States That the Chief, Secretary office of Grievances has (30) Business days to respond. I have been waiting for that response. December 20, 2018, I recieved a receipt from the Chief, Secretary office of Grievances that Stated that they read my Grievances and will look into it. Since then it has been 43 business days which is significantly more then what the policy declare's that it would take. I am of the belief that the Chief, Secretary office of Grievances are deliberately delaying my attempt to seek Justice in the, and through the Pennsylvania Court system. I have made Copies of this letter that I am Sending to You, and the Federal Courts will receive one also. Because I am trying to seek Justice for what was ~~done to me~~ wrongly done to me but the Chief, Secretary office of Grievances are not Proceeding like the Policy State's it should.

2018

39

Final Appeal Decision
Secretary's Office of Inmate Grievances & Appeals
 Pennsylvania Department of Corrections
 1920 Technology Parkway
 Mechanicsburg, PA 17050

This serves to acknowledge receipt of your appeal to the Secretary's Office of Inmate Grievances and Appeals for the grievance noted below. In accordance with the provisions of DC-ADM 804, "Inmate Grievance System Policy", the following response is being provided based on a review of the entire record of this grievance. The review included your initial grievance, the Grievance Officer's response, your appeal to the Facility Manager, the Facility Manager's response, the issues you raised to final review, and (when applicable) any revised institutional responses required as a result of a subsequent remand action by this office. As necessary, input from appropriate Central Office Bureaus (e.g., Health Care Services, Chief Counsel, Office of Special Investigations and Intelligence, etc) may have been solicited in making a determination in response to your issue as well.

| | | | |
|---|---|-----------------------|---------|
| Inmate Name: | Shareef Clemons | Inmate Number: | JQ-9206 |
| SCI Filed at: | Mahanoy | Current SCI: | Mahanoy |
| Grievance #: | 768391 | | |
| Publication (if applicable): | | | |
| Decision: | | | |
| <input checked="" type="checkbox"/> Uphold Response (UR) Health Care <input type="checkbox"/> Uphold Inmate (UI) <input type="checkbox"/> Uphold in part/Deny in part | | | |
| <i>It is the decision of the Secretary's Office of Inmate Grievances and Appeals to uphold the initial response, uphold the inmate, or Uphold in part/Deny in part. This response will include a brief rationale, summarizing the conclusion, any action taken to resolve the issue(s) raised in the grievance and your appeal and relief sought.</i> | | | |
| Response: | Frivolous | | |
| <p>This office is in receipt of your appeal, has reviewed all applicable documents and consulted with relevant professional staff. In your grievance, you claim that you had previously incurred a sports related injury which required stitches on or around your eye. You state that the stitches were removed at a later date by Mr. Miller; however, you claim that Mr. Miller used scissors which were too large and cut your face in a different place. You state that Mr. Miller had to pull hard on the stitches which caused you to scream in pain and bleed. You assert that this violated your rights, call it deliberate indifference, and improper care. You go on to claim that you may need surgery to repair nerve damage and that you still have pain. You seek monetary relief.</p> <p>A review of the records by the Bureau of Health Care Services (BHCS) reflects that the medical care provided was reasonable and appropriate. The findings of the review concur with the Facility Manager's Appeal Response. You are encouraged to participate in your treatment plan and to discuss your concerns or changes of condition with a practitioner. No evidence of wrong doing was identified. Based on the review, your appeal and any requested relief is denied.</p> | | | |
| Signature: | Dorina Varner  | | |
| Title: | Chief Grievance Officer | | |
| Date: | 3/1/19 | | |

DLV/MEB

cc: DC-15/Superintendent DelBalso
 Grievance Office

Form DC-135A

INMATE'S REQUEST TO STAFF MEMBER

Commonwealth of Pennsylvania
Department of Corrections

INSTRUCTIONS

Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.

1. To: (Name and Title of Officer)

~~Ms.~~ Ms. Liz Holden - Nurse assistant

2. Date:

11/13/18

3. By: (Print Inmate Name and Number)

Shareef Clemons JQ9206

Shuf Chan

Inmate Signature

4. Counselor's Name:

MR. Beck

5. Unit Manager's Name:

MR. Holley

6. Work Assignment:

7. Housing Assignment:

IA-30

8. **Subject:** State your request completely but briefly. Give details.

Ms. Holdon

on 10/15/18 I made a Complaint to the medical department about the egregious mistreatment of Physician Assistant MR. Miller, while he removed the stitches from my face. You MS Holding was in the general vicinity of the room that the procedure was conducted in. You also reported that when you walked pass the room that MR. Miller and I were in, you heard MR. Miller say ~~that~~ "These scissors are too big." Can you please elaborate on what you heard that day?

Please respond in a timely manner. This is the second request slip that I have written to you. I didn't receive a response from the first.

9. Response: (This Section for Staff Response Only)

To DC-14 CAR only ☐

To DC-14 CAR and DC-15 IRS ☐

STAFF MEMBER NAME _____
Print Signature DATE _____

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I also have written ~~a~~ a request slip to (Nurses Assistant) MS. LIZ Holden, asking her to write on paper that she heard MR. Miller say that the scissors were too big. Also there were many times that the prison was purposely taking longer to respond to appeals than what the prison rules require.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

E.D.Pa. AO Pro Se 14 (Rev. 04/18) Complaint for Violation of Civil Rights

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

No

E.D.Pa. AO Pro Se 14 (Rev. 04/18) Complaint for Violation of Civil Rights

☐ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

E.D.Pa. AO Pro Se 14 (Rev. 04/18) Complaint for Violation of Civil Rights

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 4/22/19

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Shareef Clemons

SHAREEF CLEMONS

JQ9206

301 MOREA ROAD

FRACKVILLE

City

PA

State

17932

Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

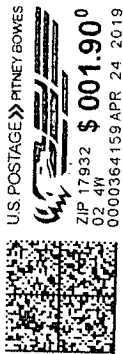
Zip Code

Telephone Number

E-mail Address

Sharet Williams
SCI-Mahoney
301 MOREA Road
Frockville PA 17932

INMATE MAIL
PA DEPT OF CORRECTIONS



MIDDLE DISTRICT OF PENNSYLVANIA
William J. Nealon FEDERAL Bldg. & U.S. Courthouse
235 N. Washington Ave. P.O. Box 1148
Scranton, PA 18501-1148

RECEIVED
SCRANTON

APR 26 2019

PER Am DEPUTY CLERK

